‘Human rights are a form of neo-colonialism and cannot, therefore, address the neo-colonial injustices of the neoliberal global order’

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February 05, 2021

Abstract

In this article focus is put on how the current Human rights mechanism is a part of the wider neo-colonial strategy which is aimed at assisting the market forces only addressing the neo-colonial injustices and providing justice. The aim behind this work is to study and critique the works of majorly Jessica Whyte and Samuel Moyn in this concern upon as to whether Human Rights is a form of Neocolonialism and cannot therefore address the injustices of the neo-liberal global order.

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In this article focus is put on how the current Human rights mechanism is a part of the wider neo-colonial strategy which is aimed at assisting the market forces only addressing the neo-colonial injustices and providing justice. The aim behind this work is to study and critique the works of majorly Jessica Whyte and Samuel Moyn in this concern upon as to whether Human Rights is a form of Neocolonialism and cannot therefore address the injustices of the neo-liberal global order. Keywords: Human Rights, Neo Colonialism, Neo Liberalism, Global Justice, Progressiveness

Definitions

Human Rights – “They are rights that belong to an individual or group of individuals simply for being human, or as a consequence of inherent human vulnerability, or because they are requisite to the possibility of a just society.”¹¹Burns H. Weston, ‘Human rights’, Encyclopædia Britannica [Online], Encyclopædia Britannica, inc., <https://www.britannica.com/topic/human-rights> accessed 9 May, 2020


Introduction

Progressiveness11Sidney M. Milkis, Progressivism (2010) in any society is based on its outlook towards human rights and market but with time dominant state systems and civilizations have tried to monopolize their view on these notions, due to no co-progressiveness22Sienho Yee, ‘The International Law of Co-progressiveness and the Co-progressiveness of Civilizations’ (2013) 12 Chinese Journal of International Law 9 amongst these civilizations. Neo-Colonialism is this new form of dominance which is being initiated separately by every major system and civilization in the world today. This form of colonialism is a continuation of the same dominance not by monopolizing political power by direct means but by continuing the exercise of political, cultural, and economic influence over a society through indirect means33Julian Go, Colonialism (Neocolonialism) (2014). The same also expands the dependency theory which elaborates upon as to how developed and developing states are progressing at the expense of the underdeveloped states in relation to the flow of resources from underdeveloped states to developed states44Arno Tausch, ‘Globalisation and development: the relevance of classical “dependency” theory for the world today’ (2010) 61 International Social Science Journal 467. Likewise, every system has its own strategy concerned with bringing in such dependency and in this relation individualistic human rights and a neoliberal “market oriented” global order form part of the dominant western neo-colonial strategy which is currently the most influential one ahead of other civilizational55Samuel P. Huntington, The clash of civilizations and the remaking of world order (Simon & Schuster hardcover ed. edn, New York : Simon & Schuster 2011) and ideological66Andrew Heywood, Political ideologies : an introduction (Sixth edition. edn, Basingstoke, Hampshire : Palgrave Macmillan 2017) designs. In essence, with this contestation the recent debates related to individualistic human rights and neoliberalism has been in connection with the simultaneous growth of the two concepts.

In the recent times many striking perspectives have come up in that concern like the one put forth by Jessica Whyte77J. Whyte, The Morals of the Market: Human Rights and the Rise of Neoliberalism (Verso Books 2019) who categorised the human rights project as a hindrance to socialist movements challenging the capitalistic order of neoliberalism for the injustices it committed. While others like Samuel Moyn in a way support the order prevailing with acceptance of the fact that the current human rights order is just not enough. As a result of all this no concrete approach has been furthered which tries to relate the simultaneous growth of the two concepts with neo-colonialism. This current work thus focuses largely on these two main contestations and tries to contribute to the debate concerning the relationship between human rights and neo-colonialism. The argument put forth is that although human rights is not a form of neo-colonialism but it is definitely a part of the wider neo-colonial strategy, as well as the fact that human rights can address the neo-colonial injustices of the neoliberal global order but cannot provide justice. Works of Whyte88Jessica Whyte, ‘Powerless companions or fellow travellers?’. Human rights and the neoliberal assault on postcolonial economic justice’ (2018) Radical Philosophy 14, Moyn99Samuel Moyn, Not enough : human rights in an unequal world (Cambridge, Massachusetts : The Belknap Press of Harvard University Press 2018), Nowak1010Manfred Nowak, ‘The Right of Victims of Human Rights Violations to a Remedy: The Need for a World Court of Human Rights’ (2014) 32 Nordic Journal of Human Rights 3, Benhabib1111Seyla Benhabib, ‘The legitimacy of human rights’ (2008) 137 Daedalus 94, Ackerly1212Brooke A. Ackerly, Just responsibility: a human rights theory of global justice (New York, NY: Oxford University Press 2018) and many others have been utilized, to further a perspective upon as to how human rights are of a lot of help to the neoliberal order and in a way also act as accommodators of neoliberalism by occupying the space belonging to alternative contestations and thus indirectly help in fulfilling wider neo colonial agendas concerning resource exploitation and cultural dominance.

Human Rights is not a form of Neo-colonialism but part of the wider Neo-colonial strategy

Human Rights initiates progression in society no matter individualistic or community oriented and thus cannot be linked to neo-colonialism which is based on sheer dominance of one thought to disadvantage
other thought processes11Ray Kiely, *The new political economy of development: globalization, imperialism, hegemony* (Houndmills, Basingstoke, Hampshire; New York: Palgrave Macmillan 2007). Entitlement can be viewed as the key in this context as the capitalist theorists have defined human rights in such a way that individualism has always come out to be termed as the beneficiary due to a person specific approach they further, which overpowers the whole idea of community driven humanitarianism. On the other hand, communist theorists put forth their confidence in the government being the one which has control over the human rights mechanism22Lambelet, Doriane. "The Contradiction Between Soviet and American Human Rights Doctrine: Reconciliation Through Perestroika and Pragmatism." 7 Boston University International Law Journal. 1989. pp. 61–62., meaning that the state is the one which is the entity upon which human rights is inferred and through which rights to individuals are conferred. The current prevailing neo-liberal global order sides more with individual oriented human rights but in no way does it further a cultural dominance due to its idea of accommodating all individuals no matter from what background33Thomas Cushman, *Cultures of Rescue and the Global Transit in Human Rights Narratives* (Routledge 2011) and thus specifying human rights as a form of neo-colonialism would be a false over simplification. The reason being that this approach of human rights does not hijack an existing setup in any given system but just tries to showcase it as a better setup which contributes more to individual development than to a community-oriented form of development. Like for example freedom of speech and expression is an individualistic human right44Christian Tomuschat, *Human Rights: Between Idealism and Realism* (Third edition. edn, Oxford, United Kingdom: Oxford University Press 2014) which is accepted in the neo-liberal setup to a larger extent beyond cultural and ideological restrictions, but the same is not the case in setups which are based on communitarian frameworks and restrict individual freedom of speech and expression.

In this line of thought, the entire debate of human rights and neo-colonialism needs to be judged around neo-liberalism which controls the way human rights behave in its current dominant phase revolving around individualism. The reason for this being that Kwame Nkrumah the one who firstly used the word neo-colonialism, categorised it as a negative action playing possum55Kwame Nkrumah, *Consciencism: Philosophy and ideology for decolonization* (Revised edition. edn, New York, Monthly Review Press 1970), specifying that decolonization never happened in terms of a constructive transfer (actual independence of colonies). His perspective in many ways was correct as if it was a constructive transfer then a certain kind of economic and cultural dominance would not have been established over various parts of the globe in terms of the rules of trade as well as the rules of human engagement. But human rights as an instrument cannot be included into that as it does not further a certain type of economic dominance or any rigid cultural dominance due to it not being based on helping the economic setups of international or state systems and it also does not further a certain form of progressive order like say furthering initiatives related to the right to education or the right to self-determination, the movements surrounding standing up against racism, casteism and class based division all have been fought under the human rights banner which is based on ensuring the dominance of a certain idea of the market but in no way or form can that be termed as neo-colonialism.

Nonetheless, the current human rights mechanism is definitely part of the wider Western neo-colonial strategy, as the combination of possessive individualism (human rights) and neo liberalism (which can be termed as possessive capitalism) is what is the wider agenda of the neo-colonial strategy of the West. The point can be elaborated in relation to the passage of the Universal Declaration of Human Rights (UDHR)66Universal Declaration of Human Rights, 1948 which initially was based on an idea of a compromise between the capitalist and communist forces in Europe and North America as only after Joseph Stalin decided to dissolve the Comintern (Communist International)77Bernhard H. Bayerlein, *Communist International* (2012) in 1943 to calm down the tensions between USSR, USA and Britain that the drafting of the UDHR got easy. The dissolution of the rival Labour and Socialist International in 1940 may have been a reason behind Stalin’s decision as he sensed that no left-wing competition was present and thus decided to go ahead with the move to order to establish a strong force against the rival Axis powers. This direction based on Human rights may also be seen as a ploy of the West to show that the UDHR furthered a neutral human rights approach aiming to transform the World Order but the end result was that it got turned into an individualistic human rights friendly fundamentalist approach,88Ratna Kapur, *The (im)possibility of queering international human rights
law (1 edn, Routledge 2018) which in all likelihood assisted neo-liberalism a market friendly fundamentalist approach\textsuperscript{99} S. Moyn, ‘A powerless companion: Human rights in the age of neoliberalism’ (2014) 77 Law and Contemporary Problems 147. Later, invariably forming two fundamental poles of the neo-colonial agenda, which equally gave space to other non-western neo-colonial agendas to progress, as Chinese dominance in Africa grew during this time only.

Whyte in her work stated that progressive decolonization of international law never happened,\textsuperscript{100} Jessica Whyte, ‘The “Dangerous Concept of the Just War”: Decolonization, Wars of National Liberation, and the Additional Protocols to the Geneva Conventions’ (2018) 9 Human Rights: An International Journal of Human Rights, Humanitarianism, and Development 313 and although many like Benhabib\textsuperscript{101} Benhabib, ‘The legitimacy of human rights’ have tried to showcase how instruments like the Universal Declaration on Human Rights and the Refugee Conventions legitimize the notion of a cosmopolitan International law but that is hard to believe as the conception of the UDHR and Refugee Conventions may be based around human rights being the rights inherent to all human beings,\textsuperscript{12} Human Rights’, United Nations [Online], <https://www.un.org/en/sections/issues-depth/human-rights/> Retrieved 9 April 2020 and all it signifies is the fact that the dominant capitalist idea of the time as explained earlier shaped up the perception of these international instruments. The word ‘inherent’ under Article 2 of the Declaration clearly signifies this by specifying that the project of Human rights got based on a language favouring an ideology which has been clearly stated in the freedoms listed by UDHR. The list of freedoms does not include rights based on upholding an ideology, though the term ‘any other status’ has been mentioned in one clause\textsuperscript{13} Universal Declaration on Human Rights, Article 2, but it merely cannot be taken as something related to the freedom of taking a stand which may include wider human rights. In essence the point has always been about insuring how the wider notion of human rights both community based and individual based be fused within an individualistic human rights document as such rights are a small little part of the wider definition of human rights. Ackerly’s point on ideological injustice always staying whenever a system of the opposite ideology dominates\textsuperscript{14} Brooke A. Ackerly, 

\textit{Just responsibility : a human rights theory of global justice} (New York, NY : Oxford University Press 2018) seems to be the only legitimate answer for now in this consideration which further lays stake to the claim of how these human rights are just not prepared to have an independent approach as it is restricted under certain ideological imperatives of neo-liberalism which it cannot bypass.

Furthermore, Whyte pointed out towards the 1940’s on how the Mont Pellerin Society hijacked the UDHR\textsuperscript{15} Whyte, The Morals of the Market: Human Rights and the Rise of Neoliberalism and damaged welfare related thought processes by bringing with it some backing for the point upon as to how human rights as an instrument was never formulated for dealing with the neo-colonial injustices which would be brought in by the neo-liberal order. Adding to this the merger of the statist minded Second International and the Vienna International which led to the formation of the Labour and Socialist International\textsuperscript{16} Garrett W. Brown, Iain McLean and Alistair McMillan, Second International (Oxford University Press 2018) can be seen in this context upon as to how an alternative against the anarchist minded Communist International was created. Then how the dissolution of the Labour and Socialist International in 1940 and the Communist International in 1943 led to the Mont Pellerin Society to go ahead with the Universal Declaration in 1948 as well as the formation of the United Nations. Also, the re-establishment of the Labour and Socialist International into the Socialist International in 1951 states how an opposition based on favouring more of individual human rights ideological approach than a community oriented human rights approach was formed to put aside the anarchist Communist missionaries which were coming up with the concept of World Communism\textsuperscript{17} Robert Service, 


Consequently, the reunification of the Fourth International in 1963\textsuperscript{18} Testing International Conference on Nondestructive, \textit{Proceedings of the fourth International Conference on non-destructive testing} (London : Butterworths 1964), led to the coming up of the alternative 1970’s first wave of neoliberalism and to put more focus on it Moyn’s argument is of utmost importance where he states that “greater equality was displaced by making the world’s poor turn towards human rights to secure minimum basic needs for the world’s poor which came at the prize of the group abandoning their equality”\textsuperscript{19} Moyn, \textit{Not enough : human rights in
an unequal world. This clearly specifies the fact that human rights in its current form is a compromise and the entire regime is formed to challenge market forces of the neo-liberal order indirectly assisting them invariably in the furtherance of an agenda which probably was the reason for them being more of a dominant individual based phenomenon in response to a community oriented human rights setup.2020Samuel Moyn, *The last utopia: human rights in history* (Cambridge, Mass. : London : Belknap Press of Harvard University Press 2010) Borrowing from Whyte’s argument that possessive individualism led to the emergence of market friendly human rights and possessive capitalism lead to the emergence of human rights friendly market all this fits in this context while not side-lining the fact that through this they killed two enemies with one weapon as the belief of society getting better will always cause particularistic agendas to come up and thus leading to more of individualism coming in to detach him from society.

Indeed, Samuel Moyn’s suggestion of “Human rights not bringing the neo-liberal age and that neoliberalism and not human rights is to be blamed for neoliberalism”2121Moyn, ‘A powerless companion: Human rights in the age of neoliberalism’2222Whyte, *The Morals of the Market: Human Rights and the Rise of Neoliberalism* which is something not true in the real sense as when things are investigated in detail especially concerning the point she mentioned about Amnesty International and Milton Friedman being given the Nobel peace prize at the same time as referred by Moyn also, it is to be stated that the two noble prizes given to Milton Friedman for Economics and Amnesty International for Peace cannot be compared as the Nobel Prize for Economics is given by Sweden2323Thomas Mark Karier, *Intellectual capital: forty years of the Nobel Prize in economics* (Cambridge : Cambridge International Press 2010) and the Nobel Peace Prize is given by Norway2424Rebecka Lettevall, Geert Somsen and Sven Widmalm, *Nobel Science of Peace: Norwegian Neutrality, Internationalism, and the Nobel Peace Prize* (Routledge 2012). This leads us to the fact upon as to how Milton Friedman got the Nobel prize at a time when the then Danish government was run by the Swedish Centre Party under the leadership of Thorbjörn Fälldin from 1976-782525Claire Annesley, *Centre Party (Norway)* (Routledge 2005), he was in fact the first non-left Prime Minister of the country in about 40 years. Additionally, the Nobel prize for economics is sponsored by Sveriges Riksbank (Central Bank of Sweden) and at time the Governor of the bank was close to the party in power which furthered a full-fledged neo-liberal approach. Then, when Amnesty International got the Nobel prize, the Norwegian government was run by the Labour Party government under the leadership of Odvar Nordli from 1976 to 1981. Additionally, the Peace Prize is always selected by the Norwegian Nobel Committee, a five-member committee appointed by the Parliament of Norway2626Olav Njølstad, 'The Norwegian Nobel Committee and the Bomb, 1945–1999' (2001) 26 Peace & Change 488, and in 1977 the committee was headed by a socialist-feminist leader of the Labour party Aase Lionaes.

Likewise, again contestations of Whyte and Moyn can be seen in this concern as while Moyn had the belief that the Nobel Prize for Milton Friedman and Amnesty International was coincidental and for Whyte it was part of a plan to further the neo-liberal agenda but the larger point which can be seen after analysing the points is that all was a strategy to further neo-colonialism. Human rights became part of this strategy and both the right and the left of Europe were involved, with the approach being implemented by the right and left of Sweden and Norway respectively. The main interest behind this can be power for the Western civilizational thought in which Neo-liberalism furthered by the Neo Capitalists2727Ray Kiely, *The clash of globalisations neo-liberalism, the third way and anti-globalisation* (Clash of globalisations : neo-liberalism, the third way and anti-globalisation, Leiden : Brill 2005) and Human Rights initiated by the Neo Socialists2828Erzsébet Szalai, *Socialism: an analysis of its past and future* (1st ed. edn, Budapest ; New York : Central European University Press 2005) was put forth as an alternative against other emerging thoughts. With that being said the first turn to dominate was that of the capitalist lobby and its neo-liberal thought, but in the future we may get an order in which human rights is on the top and neo-liberalism is in the bottom but nothing beyond that would be provided as this Western neo-colonial strategy is only limited to this. This whole scenario is
something which needs to be looked upon seriously when dealing with the fact upon as to how decolonization was replaced by neo-colonization, as the Washington Consensus is the certifier of that which according to Williamson deserved to be endorsed across the political spectrum. John Williamson, “Democracy and the ‘Washington consensus’” (1993) 21 World Development 1329, and with this approach only the whole strategy came so far and continued its dominance till this recent COVID-19 pandemic.

This structure also in a way exposes the existing nexus which Ted Gabler and David Osborne describe indirectly in the principles they list act to reinvent government putting forth the notion of the entrepreneurial spirit. David Osborne, *Reinventing government: how the entrepreneurial spirit is transforming the public sector* (New York: Plume, 1993). The examples of countries like India are important in this concern as after the Washington Consensus was implemented in the same year the Human rights commission was also setup.

Human Rights addresses neo-colonial injustices of the neo-liberal global order but cannot provide justice

Upendra Baxi termed Human Rights as possessive individualism friendly to the market and thus this type of individualism is what gives rise to a regime of ‘market-friendly human rights’. These rights in a way help in the upliftment of the Neo-liberal global order, which were precisely characterized by Chomsky as a Washington Consensus based order furthering classical liberalism.

A World Court of Human Rights would have dealt with these injustices of the neoliberal setup based on radical deregulation and privatization which got developed by the Chicago School of Economics.
Overtveldt, *The Chicago School How the University of Chicago Assembled the Thinkers Who Revolutionized Economics and Business* (Chicago: Agate Publishing 2008) but an institution like that will never be established as the real reason for the development of human rights was to assist the market. The instrument was just to give capitalism the edge over communism and other contestations which Nowak pointed out in his work66Nowak, 'The Right of Victims of Human Rights Violations to a Remedy: The Need for a World Court of Human Rights', and this is the same reason why the individual human rights concept will always be above the community rights concept furthered by communism and other ideas, and thus this is the same reason which fits with the notion of neo-colonial injustices of the neo-liberal global order not being handled properly by the human rights instrument. Naomi Klein argued the same in the context of Latin American countries upon the fact that how disappearance accompanied neoliberal “shock therapy”77Naomi Klein, *The shock doctrine: rise of disaster capitalism* (London: Allen Lane 2007) which when further elaborated points to the fact that global injustices which happened when the Chicago School was furthering its idea in Latin America were being addressed by numerous institutions but no aggressive bid to provide justice was being initiated. Whyte’s argument on the politics of collateral damage very correctly points out that NGO’s, militaries and international lawyers were also involved in humanizing this warfare88Jessica Whyte, ‘Calculated Indifference: The Politics of Collateral Damage' (2019) 21 Journal of Genocide Research 263 which is true for what happened in Latin America and lays stake to the claim of how the human rights project is a creation to accommodate power politics which is absolutely vital for neo-liberalism.

With this approach of NGO’s and related organizations it can be indeed stated that the market will remain always on the top and the human rights machinery would play second fiddle to it, this is what is the actual reality of this order and the world will need some sort of a middle path to progress further in this contention. Wendy Brown’s point99Wendy Brown, ‘’The Most We Can Hope For. . .’’: Human Rights and the Politics of Fatalism’ (2004) 103 The South Atlantic Quarterly 451 on neoliberalism being a moral project which allowed interpenetration with human rights to fulfil its interests concerning the market also is of use in this concern as the individual rights were all based on morality rather than rationality. But with this progression has come in the growth of capitalism which leads to the human rights project being part of the wider neo-colonial strategy. The point of saving capitalism through human rights made by Mary Nolan1010Nolan Mary, ‘Teaching the History of Human Rights and “Humanitarian” Interventions’ (2015) 103 Radical Teacher 47 upon as to how in the mid-20th century neoliberals wanted to prevent anti-imperialism in the colonies from being converted into anti-capitalism which they were successful in doing but by the end of the 21st century neo-colonialism emerged in a new way and form through the help of human rights. The examples of the Millennium developmental goals where the UN aimed at reducing poverty, women empowerment, hunger, and illiteracy in a combined way and form also made the countries of Africa and Asia depend on the West.1111Economics Bank Conference on Development, Annual World Bank Conference on Development Economics 2005 are we on track to achieve the millenium development goals? (Washington, D.C. : The World Bank 2005) Also, the sustainable developmental goals where private sector advancement was aimed at in the name of human rights is also of importance in this connection.

Moving on Seyla Benhabib’s1212Seyla Benhabib, *The rights of others: aliens, residents, and citizens* (Cambridge; New York: Cambridge University Press 2004) work is what seems very vital in this discussion as the alliance of communication and human rights is leading to fast-paced individualism in the same manner as communication and market is leading to a fast-paced marketization and both further a type of fundamentalism in a way, and this combination is what is not helping human rights to provide justice as communication has become the key in this journey of the fellow travellers named human rights and neo-liberalism1313Jessica Whyte, ‘Human Rights and the Collateral Damage of Neoliberalism’ (2017) 20 Theory & Event 137 which sets up a system forcing various setups to address issues and not deal with it. Communication is a common thread and a catalyst for both to further a certain thought and initiation but a ‘silent communication’ between the two is probably the reason why injustices get addressed without the aim of providing justice. The reason why the issues of the people got addressed in the environment movements like Narmada Bachao Andolan in India1414Medha Bisht, ‘Conceptualising Movements against Large Dams: Case Study Analysis of NBA Strategies, Linkages and State Response’ (2011) 41 Social Change 397 where concerns relating to
the establishment of large dams and as to how it affected the livelihoods of people living in nearby locations got highlighted but never were people provided justice due to market stakeholders not finding it beneficial and thus after close to 35 years also justice has still not been provided to the one’s suffering even after all the issues got addressed to the government many a times. The same reason can be for feminist movements as #MeToo may have trended worldwide on Twitter and had been addressed but the one’s raising their voices were never provided justice due to it affecting the market forces of the dominant neoliberal setups like Film, Television and Music industries in especially the developed and developing world1515Jennifer L. Airey, '#MeToo' (2018) 37 Tulsa Studies in Women’s Literature 7.

The Western neo-colonial strategy’s uniqueness has also been that it has given space to alternative dominant civilizational contestations and using human rights instruments in the way to address injustices is also something which needs to be looked upon in the argument of it not providing justice. Food neo-colonialism and as to how countries like Saudi Arabia and India are using countries in Africa to deal with their food concerns can be seen in this connection, where such issues got addressed by the United Nations many times in the past decade.1616Javier Blas, ‘UN warns of food ‘neo-colonialism”, Financial Times [Online] (London, 19 August 2008) <https://www.ft.com/content/3d3ede92-6e02-11dd-b5df-00007796d18c> accessed 10 May 2020 stating that how the poor African countries were being exploited by rich countries to produce food for them at the expense of their own not so developed people but no significant step has been taken to provide them justice. This lays stake to the claim that addressing injustices is just the way in which individualistic human rights work and that it can address the neo-colonial injustices of the neo-liberal global order due to its universal nature based on individuality while on the other hand, it also accommodates and always accepts alternative thoughts but in no way has it been able to provide justice. Also, the misuse of power by the West on the Third World like it be the use of the International Criminal Court (ICC) against leaders of Africa1717Lucrecia García Iommi, ‘Whose justice? The ICC ‘Africa problem” (2020) 34 International Relations 105 and as to how the Rome Statute got framed in such a way that it should have dealt with injustices in all states and political systems universally got used only to deal with Africa1818Edwin Bikundo, 'The International Criminal Court and Africa: Exemplary Justice' (2012) 23 Law and Critique 21, but when it comes to doing something in that concern either it be looking at the functioning mechanism of the ICC or changing the rules of engagement nothing has been done, though numerous NGO’s and civil society organizations have here also tried to address numerous concerns but justice has not been served at all and is only helpful in diverting the direction.

Places like Jammu & Kashmir and issues surrounding it can be summed up as the best examples in relation to how neo-colonial injustices will prevail in our society as it was the place which was in continuous lockdown before the rest of the globe was under lockdown due to the COVID 19 pandemic. Almost 8 million people were locked down in the newly formed Union Territory of India from 5th August 2019 after the New Delhi policy makers decided to change the status of the erstwhile Jammu and Kashmir state and all human Rights could do is contest against what had happened and could not provide justice.1919Editorial, ‘Article 370: India strips disputed Kashmir of special status’, BBC [Online] (Srinagar, 5 August 2019) <https://www.bbc.co.uk/news/world-asia-india-49231619> accessed 5 May 2020 Since almost an year Jammu & Kashmir has had no internet access but even the human rights mechanism has not been able to do anything. The issues of Kashmir have been addressed by the United Nations, or by NGO’s like Amnesty International with initiatives like “Let Kashmir Speak”2020Let Kashmir Speak, Amnesty International [Online] <https://www.amnesty.org/en/get-involved/take-action/let-kashmir-speak/> accessed 21 May 2020, but nothing else has been done which raises questions upon as to how human rights deals with neo-colonial injustices and how they are formulated just to address the neo-colonial injustices of Neo-liberal Global Order. Not only that the movements surrounding equality in payment of wages and treatment of labour2121Alvin Finkel, Workers’ Social-Wage Struggles during the Great Depression and the Era of Neoliberalism: International Comparisons (University of Illinois Press 2014) which is based on the idea of individualism and which fits the human rights mechanism functioning today are also not taken care of in the proper sense and all these individual centric movements and issues surrounding them get addressed but in support of the market forces they also slowly wither away providing no justice for the one’s affected. This dominance
is the reason why only addressing of issues is done by the instrument and that too for individual oriented rights as community oriented human rights do not fit in the market’s interests as that would mean stronger community oriented rights mechanism which does not serve the purpose for the market concerning profit maximization and exploitation of resources for this reason alone. Probably all this leads to the thought that unless a cosmopolitan global order comes up which has space for numerous theories of market and human rights in an adequate proportion, till then justice cannot be provided against the neo-colonial injustices of the neo-liberal global order or for that matter any global order dominated by either dominance of market or human rights as the ultimate battle is of having a progressive society.

Conclusion

Human rights are not a form of neo colonialism because even if it is individualistic in nature it is progressive, it does not impose a culture because it has a nature of seeping into all cultures. Although, it cannot also be denied that the current form of human rights is part of the wider neo-colonial strategy as Universal Declaration of Human Rights and Washington Consensus has dominated the human rights mechanism leading simultaneously to the creating of dominance of neo-liberalism. On the flip side the mechanism used to assist the infusion western civilizational influence on underdeveloped regions of the world indirectly through NGO’s and numerous civil society organizations which act in a manner of protecting the individuals but invariably work in a manner of separating the individual from the society and then ensuring that the rights demanded by specific individuals are in alignment with the interests of the market forces. With that being said human rights although address the neo-colonial injustices of the neo-liberal global order by standing up and accommodating opposition for injustices but the universality it claims to uphold is not able to provide justice due to unavailability of a World Court of Human Rights or alternative institutions which could deal with the proper distribution and adjudgment of these rights and its application as well as the inclusion of community oriented rights.

Also, the human rights mechanism gives space for alternative contestations to further their imposition by just addressing the neo-colonial injustices which the capitalist order infuses on the less powerful systems due to the urge of powerful states to maintain its dominance. The individualistic nature this mechanism upholds also does not allow it to expand to other horizons due to its compatibility with only a neo-liberal market base and thus it creates inner system and inter-system divisive trends which in the long run would not be beneficial for humanity. Although, it cannot be denied that this new form of human rights addresses the neo-colonial injustices of the neoliberal global order but they in no way or form provide justice as they act as accommodators of neoliberalism by occupying the space belonging to alternative contestations and thus indirectly help in fulfilling wider neo-colonial agendas concerning resource exploitation and cultural dominance due the mechanism’s communication inclined nature which it shares with the stronger market oriented setup of neoliberalism to further western neo-colonialism which has space for other civilizational agendas also as that helps in the survival of the system through addressing neo-colonial injustices and denial of justice in response to them.

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